

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

AM

Mailed: December 6, 2010

Opposition No. 91196167

Opposition No. 91196451

Michael Brandt Family Trust
d/b/a Eco-Fresh Indus., Inc.¹

v.

Absopure Water Company

**M. Catherine Faint,
Interlocutory Attorney:**

Opposer's consented motion (filed November 4, 2010) to consolidate proceedings is hereby granted. See Fed. R. Civ. P. 42(a); and Trademark Trial and Appeal Board Manual of Procedure (TBMP) § 511 (2d ed. rev. 2004).

Opposition Nos. 91196167 and 91196451 are hereby consolidated and may be presented on the same record and briefs. Papers should bear the number of each of the consolidated cases, although Opposition No. 91196167 is treated as the "parent" case, and most of the papers filed by the parties, or issued by the Board, will be placed only in the file of the parent case. The parties need not file a

¹ The Board notes that opposer clarified its name when filing the Notices of Opposition. The caption of this proceeding has been amended to note that correction.

copy for each consolidated case; a single copy, bearing the number of each consolidated case, normally is sufficient.

Consolidated cases do not lose their separate identity because of consolidation. Each proceeding retains its separate character and requires entry of a separate judgment. See *Hilson Research Inc. v. Society for Human Resource Management*, 26 USPQ2d 1423 (TTAB 1993); and *Helene Curtis Industries Inc. v. Suave Shoe Corp.*, 13 USPQ2d 1618 (TTAB 1989).

In keeping with Board practice, the schedule previously set in Opposition No. 91196451 **is adopted for the consolidated case**, as copied below.

Initial Disclosures Due	12/23/10
Expert Disclosures Due	4/22/11
Discovery Closes	5/22/11
Plaintiff's Pretrial Disclosures	7/6/11
Plaintiff's 30-day Trial Period Ends	8/20/11
Defendant's Pretrial Disclosures	9/4/11
Defendant's 30-day Trial Period Ends	10/19/11
Plaintiff's Rebuttal Disclosures	11/3/11
Plaintiff's 15-day Rebuttal Period Ends	12/3/11

IN EACH INSTANCE, a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within **thirty days** after

completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.
